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June 7, 2022

**VIA ECF**

The Honorable Pamela K. Chen  
District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Chambers N 631  
Brooklyn, NY 11201

**Re: *Securities and Exchange Commission v. Richard Xia, a/k/a Yi Xia, et al.*,  
21-cv-05350-PKC-RER**

Dear Judge Chen:

In response to the court's Scheduling Order dated June 3, 2022 ("June 3 Order"), we respectfully submit this letter to bring to the court's attention an issue regarding representation of relief defendant Julia Yue. While our motions to withdraw as counsel for defendants Richard Xia, Fleet New York Metropolitan Regional Center LLC, and relief defendant Yue and for payment of our fees from (and/or imposing an equitable lien on) frozen assets are pending (Dkt. 89), relief defendant Yue, alone among the defendants, does not already have replacement counsel in the case.

When we filed our motion to withdraw on March 14, defendants and relief defendant Yue were represented by Taher Kameli. (Dkt. 79.) On May 3, 2022, new counsel filed notices of appearance on behalf of defendants Xia and Fleet Regional. (Dkt. Nos. 113, 114, & 116.) On May 3, Mr. Kameli filed a motion to withdraw as counsel for all defendants (Dkt. 118); on May 4, Magistrate Judge Ramon E. Reyes, Jr. granted Mr. Kameli's motion. On June 1, additional new counsel filed a notice of appearance for defendants Xia and Fleet Regional. (Dkt. 143.) Since May 4, new counsel has not appeared on behalf of relief defendant Yue.

Counsel from Silks Cummis have not had direct communications with relief defendant Yue. Communications with her have been indirect through her husband, defendant Xia. In connection with the Rule 26(f) report submitted to the court by the parties (Dkt. 146), I sent a request to defendant Xia on June 1, 2022 for current email and phone number for relief defendant Yue to ascertain her position on that report and to determine whether she is seeking new counsel or wishes to appear pro se. As of this writing, I have not received any response to my request.

In regard to the June 28 settlement conference scheduled by the court in the June 3 Order, it is extremely unlikely that we could appear at the conference with "full settlement authority" on behalf of relief defendant Yue. Absent a ruling granting our motion to withdraw or a court order directing relief defendant Yue to have new counsel file a notice of appearance or decide to appear pro se, we respectfully request to be excused from the June 17 counsel meet-and-confer regarding the June 28 settlement conference and from appearing at that court conference.

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Respectfully submitted,

/s/ Hervé Gouraige